

# When a Victim Calls...What Will You Say?

Maureen Baker, Muskie School of Public Service

Lorie Brisbin, National Institute of Corrections

Erica King, Muskie School of Public Service

# Why This? Why Now?

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- ▶ Historically, the fields of victim advocacy and community corrections have been separate; however, they share a common goal: public safety.
- ▶ As a PPO you have an essential role in promoting the safety of the community. Your role in ensuring community safety includes services to victims of crime.
- ▶ Victims' rights, needs, and experiences must be taken into account within community corrections.
- ▶ The complexity of the justice system can be confounding for victims.

# Goals for this Session

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Introduce the Guide as a resource

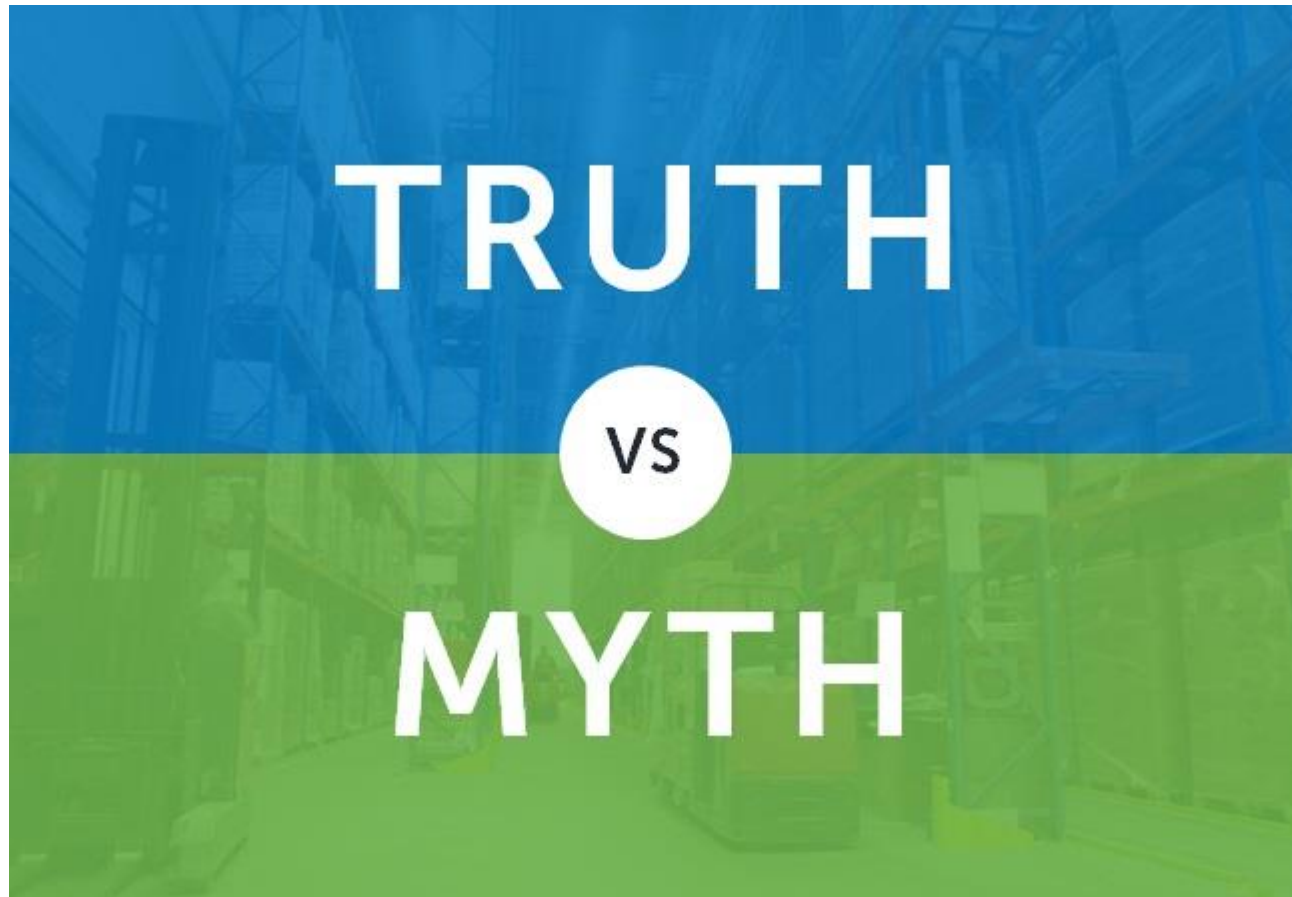
Educate on rights, impacts of crime and opportunities for victim involvement

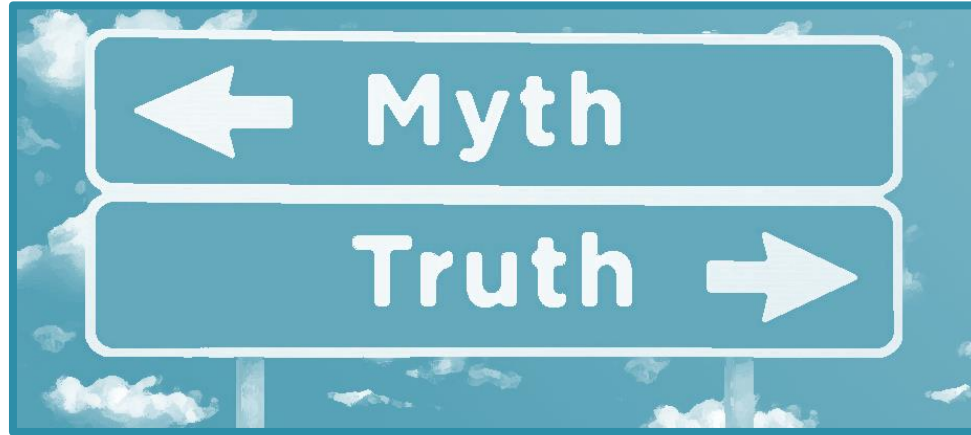
Encourage discussion and information sharing

Elicit input on how you might use the Guide

# Exercise 1

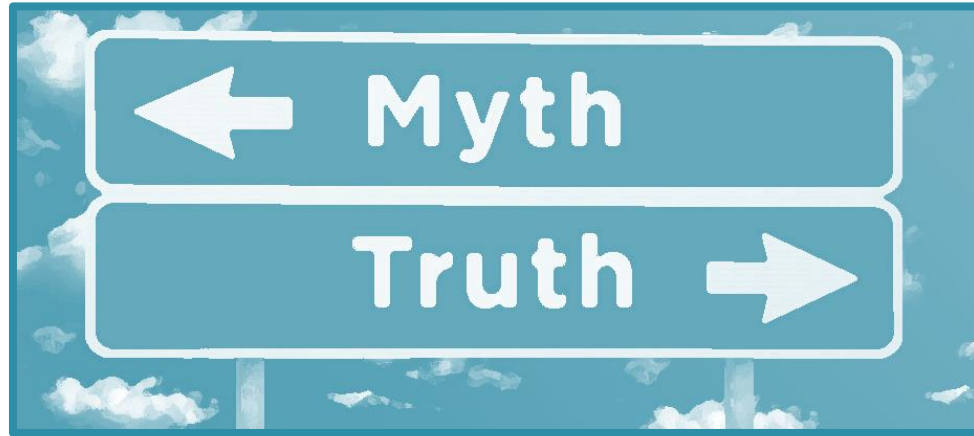
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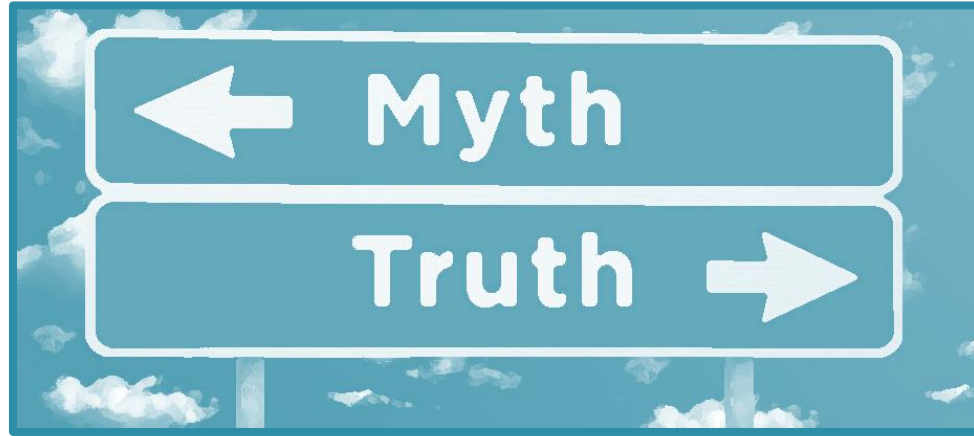
**TRUTH**

PPOs can effect the short and long term impacts of crime on victims and prevent retraumatization.

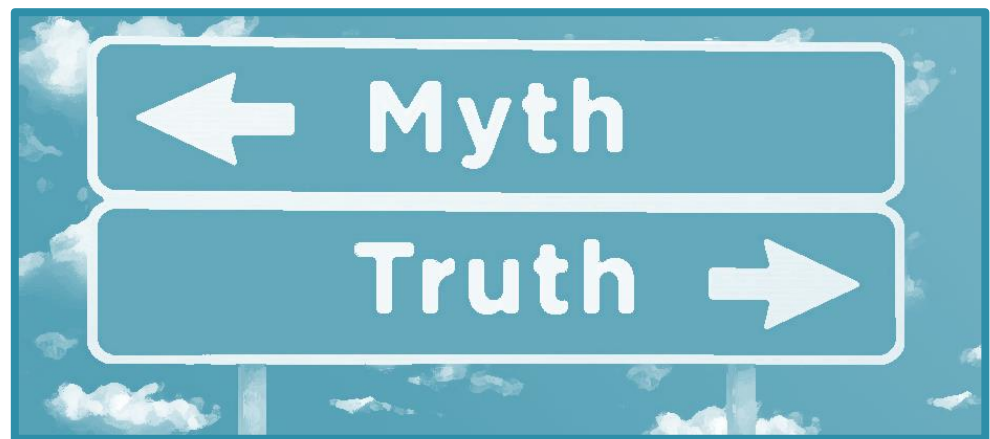


**MYTH**

Confidentiality prohibits PPOs from communicating with victims.



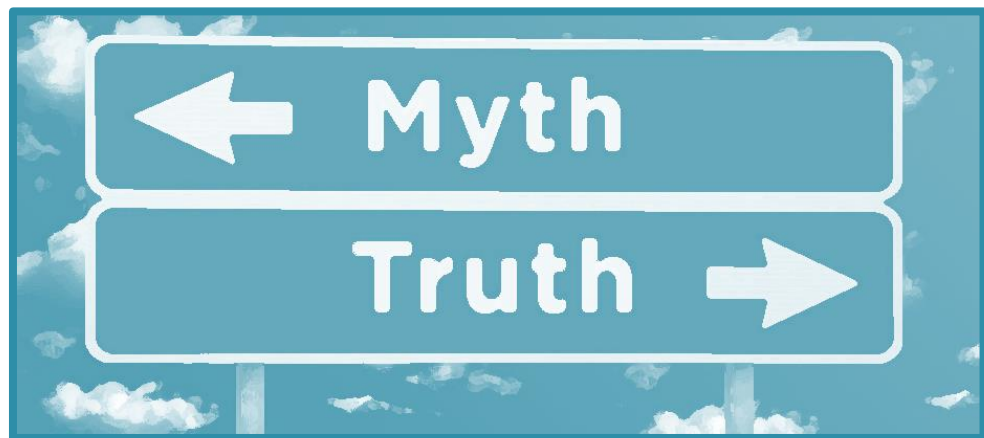
There is a universally accepted list of victims' rights across the country.



**TRUTH**

PPOs do not have to ensure that all victims' rights are being upheld.





**MYTH**

If my state doesn't have a victims' crime bill or a victim does not meet definition of a victim by statute, I am not obligated to work with them.

# Working with Victims of Crime: An Integrated Approach for Community Supervision Professionals

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## Purpose of the Desktop Guide:

- ▶ Highlight the importance of Probation and Parole Officers (PPOs) collaborating with community agencies and including victim voices and perspectives in all aspects of supervision.
- ▶ Help PPOs better anticipate and meet the needs of victims. As supervision becomes increasingly complex there is a real need to examine practices and protocols regarding victim assistance.
- ▶ Provide information to support collaboration between PPOs and victim advocates for the benefit of all involved parties.

## Key Topics of Guide

Check out the  
Guide:

Online Guide:  
Working with  
Victims of Crime

<http://info.nicic.gov/wwvc/>

- ▶ Community Corrections and Crime Victims
- ▶ Victims' Rights
- ▶ Working with Victims of Crime
- ▶ Building Partnerships
- ▶ Tools and Materials

# What's in it for you as a PPO?

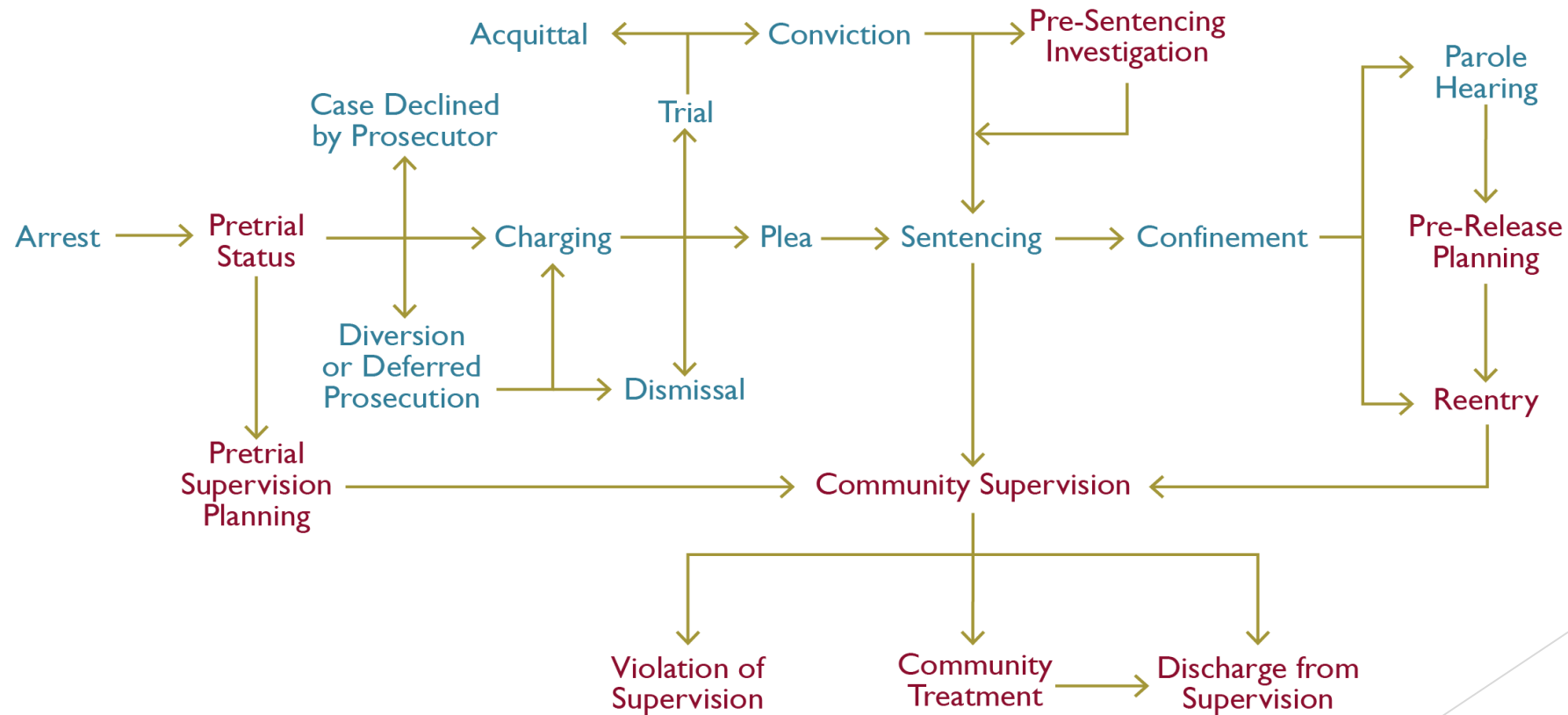
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- ▶ Working with victims and advocates can produce a win-win for everyone.
- ▶ When victims are included in your supervision work, they can:
  - ▶ Provide valuable historical information
  - ▶ Enhance your understanding of current context
  - ▶ Promote positive outcomes for all involved parties
  - ▶ Enhance PPOs understanding of the victim's perspective



# Opportunities for Victim Involvement

## CRIMINAL JUSTICE CONTINUUM



■ Probation and parole opportunities for victim involvement

# Presentence

## *Opportunities for Victim Involvement*

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- ▶ When conducting a presentence investigation (PSI), victims can provide useful information:
  - ▶ Impact the crime has had on the victim
  - ▶ Knowledge of behavioral patterns, which can provide basis for recommendations
  - ▶ Other legal financial obligations, such as child support
- ▶ This information can be gathered from a victim impact statement (VIS), working with a victim advocate, or directly through the victim.



# Pre-Release, Parole & Reentry

## *Opportunities for Victim Involvement*

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- ▶ PPOs may have direct or indirect involvement with victims prior to reentry and throughout the reentry process.
- ▶ For parole investigations:
  - ▶ Include victim's position and impact statement in reports submitted to the parole board.
  - ▶ Make sure victim the victim is aware of the date, time and location of the parole hearing.
  - ▶ Advise victim of decisions from relevant hearings.




# Post-Release Supervision

## *Opportunities for Victim Involvement*

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- ▶ Empower the victim from the beginning by explaining what a violation really means and what new options may look like.
- ▶ Throughout supervision PPOs need to be aware of notification related to all changes and updates, as allowed by law.
- ▶ PPOs role is not limited to notification and should include involvement in victim safety.



The criminal justice system is not always transparent or easily understood by people who do not work within it. Understandably, crime victims frequently have questions and concerns about how the system works; you are in a unique position to help explain a system that you understand well.



# The Impact of Crime & Victimization



## VOICE FROM THE FIELD

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*“When I had a general caseload, and I’m being honest here, a victim would call me, and I didn’t really have empathy about it, until I drove all the way to (a town nearby) to meet with a victim. She was a victim of a sexual assault. This poor girl was sexually assaulted at a very young age and meeting her and then seeing what she went through for the next 10 years until the guy was convicted, that was powerful for me. So, that day, realizing what impact that had on her, my whole view of how victims are treated completely changed. I don’t think that a lot of PPOs have that opportunity to fully understand where that victim is coming from.”*

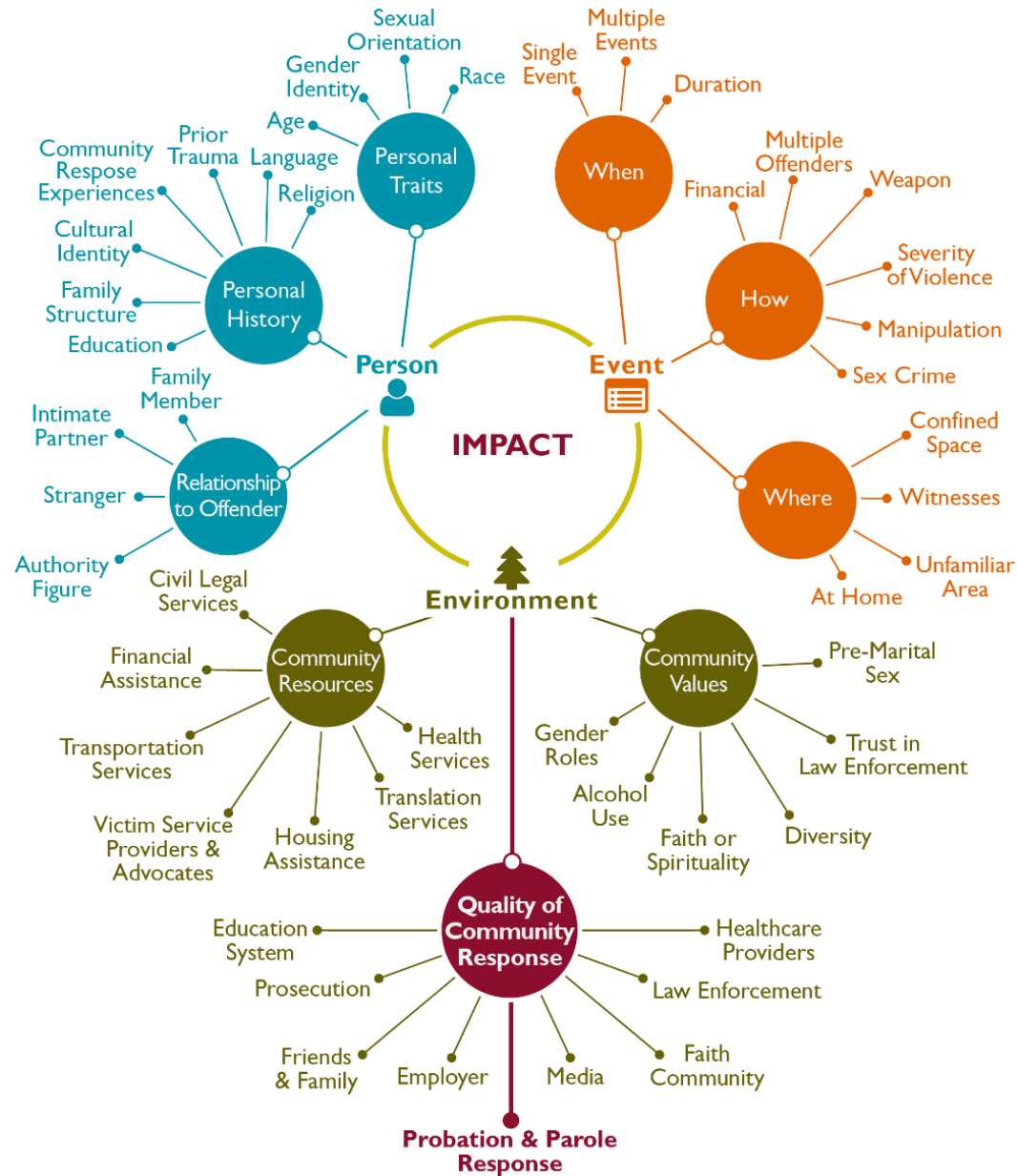
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# Impact of Crime

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## ECOLOGICAL VIEW OF TRAUMA



# The Quality of Community Response

- ▶ Community supervision agencies have a unique and important role in providing accountability and addressing victim concerns.



# VICTIMS' RIGHTS



## VOICE FROM THE FIELD

*“It’s important for the victim and the Probation Officer to have a relationship. The experience of listening to a victim for two hours changed my perspective fundamentally. I now take a vastly different approach to each case. I have to be conscious of the other side of the case. Someone is affected by the poor decisions that the offender made. You cannot forget what happened. You have to keep a balance.”*

# Seven Core Victims' Rights

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- The Right to Notification and Information
- The Right to Reasonable Protection/Safety
- The Right to Confidentiality/Privacy
- The Right to Attend/Be Present
- The Right to Be Heard/Provide Input
- The Right to Compensation
- The Right to Restitution



## RESOURCE

To better understand the laws in your jurisdiction, access the VictimLaw website. This resource includes an up-to-date, searchable database of victims' rights laws across the country.

<https://www.victimlaw.org/>

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# 1. The Right To Notification and Information

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- ▶ All 50 states have enacted notification laws, which vary by jurisdiction.
- ▶ Many states have adopted “opt in” systems, which means the victim needs to register for notification.



**In cases of intimate partner violence, victim notification has to be handled with extra care so victims can make well-informed decisions about their safety.**

# 1. The Right To Notification and Information

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## WHAT CAN YOU DO?

- ▶ Research your state laws regarding victim notification
- ▶ Review your agency policies
- ▶ Explain criminal justice proceedings to the victim, if they have questions
- ▶ If it exists in your jurisdiction, invite them to “opt in” for notification services
- ▶ Check with victim services agency in your area to get brochures for your office
- ▶ Identify websites that provide information on notification rights and services





## 2. The Right to Reasonable Protection/Safety

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- ▶ Addressing victims' safety concerns involves providing information about their case and the location of the supervisee.
- ▶ Many jurisdictions provide for the right to reasonable protection during community supervision.
- ▶ You may be included in a victim's safety plan.
- ▶ Victims may not always express safety concerns.



### HELPFUL HINT

Always keep victim safety in mind! To reduce possible risks to a victim, find out the best way to contact them and get their permission to do so. For example, in the case of intimate partner abuse, the abuser may use caller ID or other technology to monitor phone lines. If the abuser finds out that you have contacted the victim, this knowledge could be used to harm the victim.

## 2. The Right to Reasonable Protection/Safety

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### WHAT CAN YOU DO?

- ▶ Research safety and reasonable protection laws and policies in your jurisdiction.
- ▶ Review case files for victim information.
- ▶ Read the Victim Impact Statement, if it exists.
- ▶ Give information to the victim that could enhance their safety.
- ▶ Actively listen to the concerns of a victim who contacts you.
- ▶ Ask open-ended questions regarding safety concerns.
- ▶ Be prepared to follow-up with information about safety planning and referrals.
- ▶ Know your resources: most victim advocacy programs have advocates trained in safety planning.



### 3. The Right to Confidentiality/Privacy

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- ▶ Supporting victims' safety means taking their privacy/confidentiality needs seriously.
- ▶ Part of your role is helping victims understand what will remain confidential and what will not.
- ▶ Most jurisdictions have laws to protect victim's privacy; these laws often focus on:
  - ▶ Requiring testimony in open court that would reveal personal information
  - ▶ Limiting a victim's identifying information in records
  - ▶ Protections regarding the release of contact information

# 3. The Right to Confidentiality/Privacy

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## WHAT CAN YOU DO?

- ▶ Understand the rights in your jurisdiction related to victim privacy.
- ▶ Understand the policies and practices in your agency regarding communications and confidentiality.
- ▶ Discuss confidentiality and privacy concerns with victim.
- ▶ Ask victims for a [release of information](#) to talk with their advocate or to access file information.
- ▶ Take precautions to protect victim information from being seen.



## 4. The Right to Attend/Be Present

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- ▶ Most jurisdictions allow victims to attend any public court hearing, unless presiding officer decrees otherwise.
- ▶ If a victim wants to attend supervision-related proceedings, PPOs should:
  - ▶ Collaborate with victim advocates to offer support, safety planning, and information to the victim.
  - ▶ Provide date, location, and time of the proceedings.
  - ▶ If schedule change occurs, provide timely updates to victims.

## 4. The Right to Attend/Be Present

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### WHAT CAN YOU DO?

- ▶ Answer victims' questions about probation- and parole-related hearings.
- ▶ Ask if they are aware of/registered for local notification program.
- ▶ Provide information on signing up for notification program.
- ▶ Connect victim with victim advocate who is able to offer information and support for proceedings.
- ▶ If agency does not have internal victims' advocates, identify and collaborate with community-based programs.



## 5. The Right to Be Heard/Provide Input

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- ▶ All jurisdictions give victims the right to provide input at the time of sentencing.
- ▶ Victim input is most often provided through victim impact statements (VIS); VISs can help PPOs:
  - ▶ Prepare pre-sentencing reports
  - ▶ Make decisions around conditions of supervision
  - ▶ Develop recommendations for the court

# 5. The Right to Be Heard/Provide Input

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## WHAT CAN YOU DO?

- ▶ Research local victim input and participation laws.
- ▶ Review policies and resources on obtaining victim input.
- ▶ Read VIS or interview victims prior to making recommendations/supervision decisions.
- ▶ Provide information to victims about what should be included in their VIS.





## 6. The Right to Compensation

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- ▶ Every jurisdiction has a crime victim compensation program to help victims of violent crimes.
  - ▶ Federal law requires that the crimes be reported and victims work with prosecutors to be eligible for the program.
- ▶ In general, crime victims apply directly to their jurisdiction's compensation program.
- ▶ Victims may not know they are entitled to compensation.

## 6. The Right to Compensation

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### WHAT CAN YOU DO?

- ▶ Become familiar with your jurisdiction's compensation program and the application process.
- ▶ Obtain brochures/informational materials to keep at your office.
- ▶ Ask violent crime victims if they are aware of the compensation program.



## 7. The Right to Restitution

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- ▶ Victims in all states and territories and at the federal level have statutory rights to restitution.
- ▶ Restitution can cover any financial loss directly related to the crime.
- ▶ When restitution becomes a condition of probation or parole, the PPO may be responsible for collecting and distributing funds.
- ▶ If a PSI includes restitution, it should contain a comprehensive accounting of the losses incurred by the victim.



### PROMISING PRACTICE

Restitution should be the first order of distribution of payments (except co-obligation with child support) prior to payment of other fines and fees.

# 7. The Right to Restitution

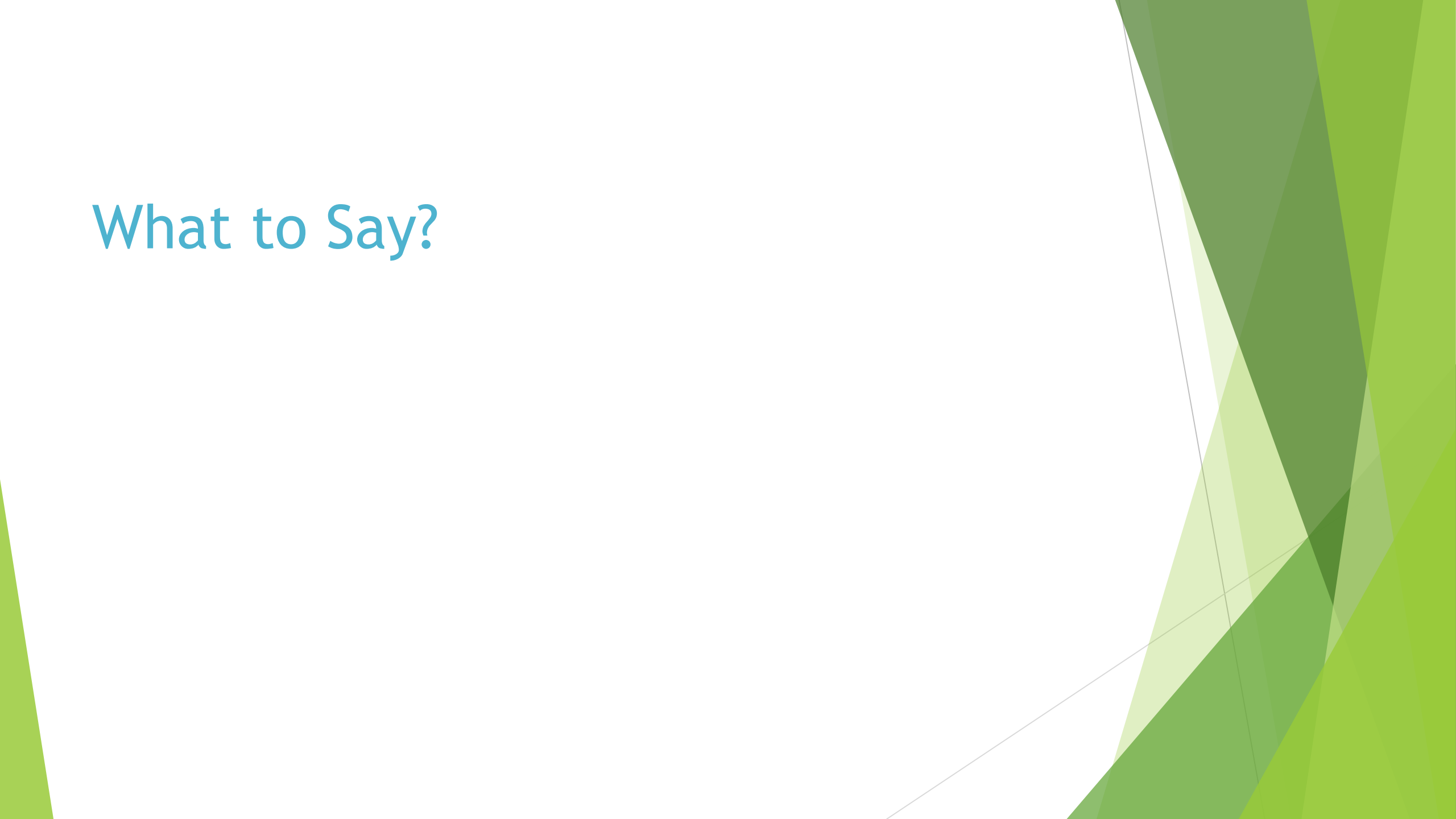
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## WHAT CAN YOU DO?

- ▶ Research your state laws regarding restitution.
- ▶ Consult agency policy on restitution management.
- ▶ When conducting a PSI, ensure that losses incurred by the victim are included and addressed.
- ▶ Review the case file for documentation of restitution and other legal financial obligations and help individuals create a realistic payment plan.
- ▶ Invoice the individual under supervision for payment, garnish wages, summons to court, and check in on the plan at each visit.
- ▶ Prioritize restitution over court fees and fines if allowed by law and supported by the court.



# What to Say?



# What Helps? What Hurts?

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# Building Partnerships



## RESOURCE

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To find victim services programs in your area, visit the US Department Justice, Office for Victims of Crime Online Directory of Victim Services:

<http://ovc.ncjrs.gov/findvictimservices/>

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# Victim Advocates

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## Systems-based

- ▶ Prosecutor's offices
- ▶ Law enforcement agencies
- ▶ Courts
- ▶ Institutional Corrections (prisons)
- ▶ Community Corrections (probation and parole)
- ▶ State attorney's general offices
- ▶ Victim Compensation Programs

## Community-based

- ▶ Sexual assault programs
- ▶ Domestic violence programs
- ▶ Children's advocacy centers and other child abuse prevention programs
- ▶ Elder abuse programs
- ▶ Homicide survivors' support groups
- ▶ Faith-based victim assistance programs



# Restorative Justice

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Victim Impact Panels

Victim-Offender Dialogue

Apology Letter Banks

Community Based Restorative Practices  
(i.e. Restitutions)

# Closing and Summary

# Discussion

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How can you see this guide being used in your agency or jurisdiction?

Whom would you want to share this with?

What could you do with the guide as a result of this workshop?

# Coaching Staff in Groups

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- ▶ Invite advocates to a staff meeting to speak about common victim needs in your community
- ▶ Invite staff to share one way that they have interfaced with a victim or advocate at each staff meeting. Plan for a PPO to do a case presentation at staff meeting for discussion. Make space for conversations about how to balance the goals of rehabilitation and accountability.
- ▶ Send group emails with resources, online training opportunities and promising practices
- ▶ Partner with community agencies to provide and receive training
- ▶ Facilitate a Victim Impact Panel for staff to witness

# Coaching Staff Individually

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- ▶ Make time with staff that focuses on attending to the needs of victims; ask them about how they have worked with victims and victim advocates on the case
- ▶ Recognize individual staff efforts through an email or letter of commendation in their personnel file when they have demonstrated promising practices with victims
- ▶ Encourage them to prioritize restitution collection above other fines/fees
- ▶ Encourage staff to reach out to victim advocates and community resources on complex cases with victim involvement, especially in instances of safety planning

# Remember...



## PROMISING PRACTICES

- \* Know what rights victims have in your jurisdiction
- \* Review case files for victim information
- \* Read any victim impact statements and note significant dates
- \* Determine if there is a no-contact order in place
- \* Determine if restitution and/or other financial legal obligations were ordered
- \* When working with your client, think about the victim's perspective
- \* Determine what resources are available in your jurisdiction
- \* Know how to respond to disclosures of abuse or violence

Thank you for your  
time and participation

*Please take a moment to  
complete your session  
evaluations and explore  
other NIC resources  
related to post-conviction  
victim services.*

### For More Information:

- ▶ Maureen Baker,  
[Maureen.baker@maine.edu](mailto:Maureen.baker@maine.edu)
- ▶ Lorie Brisbin,  
[lbrisbin@bop.gov](mailto:lbrisbin@bop.gov)
- ▶ Erica Hansen King,  
[Erica.king@maine.edu](mailto:Erica.king@maine.edu)